GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

Labour Dispute.—Industrial Dispute between the workmen and the management of the Mandya National Paper Mills Ltd., Belagula, Mandya District.

Award of the Industrial Tribunal Bangalore published

Read the following papers :

(1) Letter No. 1512/70-71, dated 16/17th December 1970 from Sri R. V. Kollali, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 15th December 1970

Present :

Sri R. V. Kollali, B.A., LL.B., *Presiding Officer.*

Arbitration Reference No. 1 of 1970.

Workmen of Mandya National Paper Mills, Belgula, Mandya District. Represented by : (1) The President, Mandya National Paper Mills' Employees' Union, (I-a) Belagula, and (2) The General Secretary, Mandya National Paper Mills' Staff Association (I-b) *Belagula*, Mandya District *I Party.*

Vs

Management of the Mandya National Paper Mills, Ltd., Belagula, *Mandya District* *II Party.*

Appearances

For I(a) Party—

Sri M. Subba Rao, President of the Employees' Union, Belagula.

For I(b) Party—

Sri K. P. Sachindranath

For the II Party—

Sri B. R. Puttananjappa, Honorary Secretary, Mysore State Employers' Association, Bangalore-4.

Reference

Arbitration Reference No. FCL 421 LLD 70, dated 7th July 1970.

AWARD

By Order No. FCL 421 LLD 70, dated 7th July 1970, the Government of Mysore, under sub-section 3 of Section 10(a) of the Industrial Disputes Act, 1947, have referred an industrial dispute between the workmen and the management of the Mandya National Paper Mills, Ltd., Belagula, to arbitration of my learned predecessor Shri B. M. Jayamahadeva Prasad, B.A., B.L., Presiding Officer, Industrial Tribunal, Bangalore.

2. Shri B. M. Jayamahadeva Prasad, B.A., B.L., ceased to be the Presiding Officer of this Tribunal with effect from the afternoon of 26th August 1970 in view of his transfer as District and Sessions Judge, Bellary. I took charge of his office as Presiding Officer, Industrial Tribunal, Bangalore, pursuant to the Government Notification No. FCL 281 LLE 70(1), dated 14th August 1970. At that stage the Arbitration Reference was pending for the hearing of an

interim application filed by the Mandya National Paper Mills Labour Association for impleading it as one unit of the First Party. In view of the change in the Presiding Officer, I thought at the stage that a fresh Reference of Arbitration was necessary to enable me to take up and continue with these proceedings. I recorded this legal position in the proceedings on 31st August 1970 when the case came up before me after the Representative of the II Party had filed a Memo before my learned predecessor that a settlement had been reached in the case on 25th August 1970 as per Annexure 'A' to the Joint memo and that therefore an award be passed in terms of the settlement. On an adjourned date, the parties filed a Joint memo stating that the settlement of the dispute referred to arbitration had been registered before the Deputy Labour Commissioner and Conciliation Officer, Bangalore and hence they did not propose to seek a fresh Reference to Arbitration in the matter.

3. In view of the attitude of the parties made out in the Joint Memo, dated 17th September 1970, an award is to be passed rejecting the Reference. I pass the following award.

AWARD

4. In view of the settlement between the parties which has been registered on 9th September 1970 before the Deputy Labour Commissioner and Conciliation Officer, Bangalore, the Arbitration Reference is rejected. The Settlement is annexed to this award and it will form part of this award. Parties shall bear their own costs.

R. V. KOLLALI,
Presiding Officer,
Industrial Tribunal.

Memorandum of settlement under section 18(1) of the Industrial Disputes Act, 1947

First Party :

Workmen represented by—

1. The President, Mandya National Paper Mills, Ltd. Employees Union.
2. The President, The Mandya National Paper Mills, Limited Staff Association.

Second Party :

The Management of the Mandya National Paper Mills Limited.

SHORT RECITAL OF THE CASE

The Mandya National Paper Mills Staff Association raised an industrial dispute in respect of payment of bonus to the Staff members of the Mandya National Paper Mills for the years 1967-68 and 1968-69. A representation raising a similar dispute in respect of workers of the Mandya National Paper Mills Employees' Union was also received at the conciliation proceedings before the Deputy Labour Commissioner and Conciliation Officer, Bangalore. During the conciliation meeting held on 30th April 1970, the parties agreed to refer the dispute for arbitration as per agreement in Form 'C' prescribed under rule 7 of the industrial disputes Mysore Rules 1967, wherein it was agreed to refer the following industrial dispute to the arbitration of Shri B. N. Jayamahadeva Prasad, B.A., B.L., Industrial Tribunal, Bangalore.

> Are the workmen of the Mandya National Paper Mills, Belagula, as represented by the Mandya National Paper Mills Staff Association and the Mandya National Paper Mills Employees' Union justified in demanding bonus under the Payment of Bonus Act 1965 for the years 1967-68 and 1968-69 ?

If so, what should be the quantum of Bonus for each of the above years ?"

The dispute is now registered as Arbitration Reference No. I of 1970 and all parties have put in appearance. In the meanwhile the parties in the interest of industrial peace negotiated the matter directly and after consideration of all aspects, and in view of the fact that the concern is still incurring heavy losses the following settlement was arrived at on this the Twentyfifth day of August 1970, in full and final settlement of the demands for bonus for the years 1967-68 and 1968-69 now pending before the Hon'ble Arbitrator in the above reference

TERMS OF SETTLEMENT

1. 1. It is agreed that for the year 1967-68, the Management will pay to all the employees of the Mandya National Paper Mills in service during that year an amount equal to two and a half per cent of each employee's wages/salary earned during that year (1st July 1967 to 30th June 1968) purely as *ex-gratia* and not as a recognition of any claim for bonus for that year.

2. It is further agreed that for the year 1968-69 (1st July 1968 to 30th June 1969) the Management will pay bonus as payable under the Payment of Bonus Act 1965 for that year at four per cent of the wages/salary earned by each employee during that year subject to the minimum of Rs. 40 as provided for in Section 10 of the Act.

3. It is further agreed that the payment of the aforesaid amounts will be subject to other conditions under the Payment of Bonus Act 1965 and Rules thereunder.

II. In view of the financial difficulties that the concern is still undergoing it is agreed that the above amounts are to be paid in three equal monthly instalments on or before 20th September, 20th October and 20th November, 1970.

III. As the terms of Settlement are beneficial to the employees concerned we agree to the above settlement.

IV. It is also agreed that both the parties will file an application before the Hon'ble Arbitrator praying that an Award may be passed in terms of this settlement.

Duly signed this the Twentyfifth day of August, 1970

First Party :

For the members of the staff represented by the Mandya National Paper Mills Staff Association

Srikanta Sharma,
President.

N. K. Hanumantha Gowda,
Vice-President.

U. G. Madangopalraj Urs,
Secretary.

For the workmen represented by the Mandya National Paper Mills Employees Union—

M. Shivanna,
President.

K. V. Ramegowda,
General Secretary.

Second Party

For the Management of the Mandya National Paper Mills Limited—

Mohinder S. Bedi
Managing Director.

Copy forwarded for kind information and registering as Settlement to :—

1. The Asst. Labour Commissioner and Conciliation Officer, Mysore Division, Mysore.
2. The Deputy Commissioner of Labour and Conciliation Officer, Bangalore Region, Bangalore.
3. The Labour Commissioner in Mysore, 7 Infantry Road, Bangalore.
4. The Secretary to Government of Mysore, Labour Department, Bangalore.
5. The President/Secretary,
   Mandya National Paper Mills Staff Association.
6. The President/Secretary,
   Mandya National Paper Mills Employees Association.
7. The Controller of Accounts,
   Himalaya, Mysore..
8. The Secretary,
   Head Office, Bangalore.

"True copy"

R. V. KOLLALI,
Presiding Officer,
Industrial Tribunal, Bangalore.